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MINUTES

**NASSAU COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN
NOVEMBER 28, 2005 AREA ASSESSMENT TEAM (Oyster Bay Boundary)**

Attending:

Name	Affiliation	Address	Phone	Fax	E-mail
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The first Area Assessment Team meeting for the Oyster Bay area was held Monday, November 28 at 10 a.m. at the town of Oyster Bay Department of Public Works War Room.

The area assessment teams will be responsible for local community involvement in the multi-jurisdictional mitigation plan. To do this, the assessment teams will:

- Coordinate and facilitate local efforts.
- Provide information and feedback
- Reach out to and involve the public and community stakeholders in the planning process.
- Assess mitigation alternatives
- Select a course of action to be followed for their community
- Implement the plan and monitor its progress.

Agenda:

- Welcome and Opening Remarks
- Overview of the project and Planning Team Structure
- Participation Criteria
- The Hazard ID and Profile Steps
- Timeline
- Questions and Answers

Terry Winters, Nassau County Office of Emergency Management explained why participation in the Multi-jurisdictional Hazard Mitigation Plan will benefit the villages and towns:

- The villages and towns do not have to provide their own funds for the planning effort.
- FEMA looks at the entire planning process.
- By participating and attending meetings, the localities become part of the multi-jurisdictional process.
 - Municipalities must provide feedback and will have an opportunity to change and edit the draft plan.
 - In addition to municipalities, local communities and fire departments may participate.
 - Other stake holders may also be involved.
- Their participation will encourage other villages to become involved in the plan.
- Mr. Winters emphasized that any questions about the plan and the process should be directed to him.
- Under the team planning concept, Mr. Winters will act as a “broker,” making available to local municipalities the resources of the key stake holders, such as LIPA, KeySpan, New York State Department of Environmental Conservation, and the Coast Guard.
- It is important that the Nassau OEM learn what goes on in a community when it is hit by a natural hazard.
- The towns and villages must adopt the mitigation plan by formal resolution. A generic resolution will be distributed to all the participating jurisdictions.

Ms. Foley gave a slide presentation discussing in detail the plan requirements and process. Every participant received a copy of the meeting agenda and a copy of the PowerPoint slides. Topics discussed included:

- Intent of the project
- Organizational structure of the planning group
- Overview of the plan development process
- Role of participating jurisdictions, contractors, the public, and other stakeholders

- Participation criteria
- Key deliverables
- Data collection/supporting documents
- Project timeline
- Next steps
- Questions and answers

In her discussion, Ms. Foley emphasized that:

- Hazard mitigation involves evaluating potential hazards and then taking mitigation actions *before* the hazards occur.
- The plan must meet the provisions of FEMA's DMA 2000 requirements.
- Having a plan in place makes municipalities eligible to apply for funding for mitigation projects.
- The participants are (a) local municipalities; (b) other stakeholders; and (c) the public.
- Nassau OEM will need continued feedback from the localities.
- Each participating jurisdiction, including Nassau County, must provide opportunities for participation to the public and other stakeholders.
- Ms. Foley also addressed the plan development process; participation criteria; outreach to other stakeholders, including the outreach log; and the hazard identification profiles. A stakeholder participation and outreach plan was distributed to all participants.

Ms. Foley and Mr. Winters opened the discussion to questions:

Q1: (Dennis Weiner) Is there a process in place to reconcile your hazard ID with ours?

A1: (Mr. Winters) We want the broad scope, i.e., in your area, what are the particular concerns. How much can we change Nassau County? We are already overdeveloped. We will look at small projects, e.g., better storm drains at particular intersections.

Q2: How far down the line will grants trickle? Will individual fire districts be able to obtain grants?

A2: (Mr. Winters) I do not see a fire district getting a grant without a team effort – without a town or village as a partner.

(Ms. Foley) Will ask about grants for fire departments. (**Follow Up:** As per coordination with FEMA Region II Flood Insurance and Mitigation Division on December 12, 2005,: (a) under the FMA and PDM program Public Non-Profit (PNP) organizations [such as fire departments] are not eligible to apply but they may be sponsored by an eligible applicant [such as their local town or village]; (b) under the HMGP, PNPs may be eligible sub-applicants so Volunteer Fire Departments, if they meet the program's definition of a PNP, then they may apply for HMGP as an eligible sub-applicant.)

Q3: (Victoria Siegel) The October 2005 rainfalls caused flooding on Route 25A in East Norwich, also at Route 106. For Bayview and Centre Island access roads are very important because of the need to evacuate. It would be great to get money to identify hazards, but I do not know anything that says once you have identified a potential hazard you must address it.

- A3:** (Ms. Foley) First, when the reviewers look at the final plan, they will be looking to see if potential mitigation actions have been evaluated for identified hazards. Second, with respect to liability when you have identified a hazard in the plan: we are awaiting a response from FEMA Region II and NYSEMO and will distribute additional information as it becomes available with the minutes. (see attached)
- Q4:** (Ms. Siegel) West Shore road is now in a state of collapse and there is no political will to get it done. We want the county to acknowledge it as a major hazard. We want something in this plan that would help the county get this road done. I have 9,000 people whose lives depend on being able to get out by using that road.
- A4:** (Mr. Winters) This is definitely an issue because of evacuation. We must put it in and say we need to have this mitigated.
- Q5:** Route 106: The New York State sump drains into the county sump, which drains onto the street. People are building and putting water out on the street.
- A5:** (Mr. Winters) This involves building codes. They may need to be enforced or rewritten. Maybe we should look at building codes.
- Q6:** (Herbert Kaufman) Town of Oyster Bay has a mitigation plan in progress. Is it supposed to include local areas?
- A6:** (Jon Klein) It is a single jurisdiction plan.
(Mr. Winters) Jericho is now considered part of the Nassau County planning effort and can team up.
- Q7:** Do you have any plans to meet with battalion EOCs? You should meet with them.
- A7:** (Mr. Winters) Invites have gone out to them. We can meet with them, and December would be a good time to do that.
- Q8:** (Hamlet of Oyster Bay) How will the fire districts be part of the plan to ensure that any mitigation is also appropriate for fire response? Should we go through you?
- A8:** (Mr. Winters) Start with the EOCs and fire marshals – go up the chain of command.
- Q9:** (Marie Knight) Problem with flooding at 106 and Berryhill Road. Storm drains need to be installed or improved; drains were covered over causing the runoff to collect and flood at the intersections at Berryhill Road and at 106 and 107.
- A9:** (Mr. Winters) We need more information. These are the kinds of issues the plan will address. That is the reason for handing out hazard identification questionnaires to get feedback from the communities.
- Q10:** (Ms. Knight) How will grants work?
- A10:** (Mr. Winters) If it falls within a jurisdiction of the town, we will support it. But we may go as a county for a county road, and we might ask the town for support. It depends on how grants come out, e.g., road flooding. If something comes up I will ask the towns.
(Ms. Foley) You have to have strong documentation and historical information.

Mr. Winters provided a brief recap emphasizing:

- Villages may need to bring other people into the process and should develop a team approach including the public and other stakeholders.
- Each locality will have to adopt the plan by resolution.
- In a short time, Nassau County will have a web site for the plan, and all pertinent documents, meeting information, will be up on the website.

Responses to Questions for Which a Response was Not Given During AAT Meetings:

North Hempstead boundary – 11/17/05

Oyster Bay boundary – 11/28/05

1.) **Question:** If one flood prone area of a community is in a private development with private roads, and if that area floods not due to a riverine or coastal flood source but rather due to drainage issues, could the community apply for a grant for a drainage improvement project at that site?

Source Consulted: The answer to this question was obtained by URS on 11/17/05 through telephone coordination with representatives of FEMA Region 2 who administer the HMGP, FMA, and PDM programs.

Answer: Yes, a drainage improvement project for a private road would be an eligible type of project under HMGP and PDM as long as the community agrees to act as the Sponsor for the private development in applying to FEMA for mitigation project funding. For the FMA program, the same would hold true but in addition, the application would have to show that implementation of the project would offer protection to NFIP-insurable structures (in other words, under FMA, if the project was only to alleviate roadway flooding, it *would not* be an eligible type of project, but if it would alleviate any flooding to NFIP-insurable structures, then it *would* be an eligible type of project).

2.) **Question:** In one community, the Planning Group representative was encountering some reluctance on the part of her colleagues to document areas of historic flooding, especially with regard to areas that flood due to poor drainage. The reluctance was coming from a concern that documenting these types of problem areas could put the community at an increased liability if they were to be sued. Not only in the case of (1) a problem that was identified and had no mitigation action identified for it in the mitigation strategy of the plan, (2) a problem that was identified and had a mitigation action evaluated but given a low priority in the mitigation strategy section of the plan, or (3) a problem that was identified with a mitigation action to be undertaken by a certain date, but possibly a lawsuit brought against the community before the action was implemented. The question was: are communities really increasing their liability when identifying problem areas such as this?

First Source (NYSEMO) Consulted: The first answer to this question was obtained by URS on 11/17/05 through telephone coordination with representatives of NYSEMO who support community mitigation planning activities.

First Source Answer: Representatives of NYSEMO indicated that this is a question that has been raised by other New York State communities as they, too, participated in the development of a hazard mitigation plan. NYSEMO recognizes this concern, and suggests that communities

who are concerned about potential liabilities as they relate to the plan development process should coordinate directly with their community's legal staff.

Second Source Consulted (FEMA Region 2): URS also posed this question to a representative of the FEMA Region 2 Flood Insurance and Mitigation Division during a telephone conversation on 11/17/05.

Second Source Answer: FEMA Region 2 recognizes that this is a legitimate concern regarding how the planning process and the planning document (specifically the risk and vulnerability assessment section and action items) might bolster a person's claim or suit against a community for negligence. Region 2 has posed the question to legal staff at FEMA Headquarters and is awaiting a response. In the interim, the Region agrees with NYSEMO that communities who are concerned about potential liabilities as they relate to the plan development process should coordinate directly with their community's legal staff.